MINERAL KING

DISNEY - FOREST SERVICE PROPOSAL
BACKGROUND AND ANALYSIS

"Now, in all this most populous state, the rarest treasure may well be serenity. Those who dream of it come here. It is a sanctuary, one of dwindling few."

Pat Adler, Mineral King Guide

WHAT IS MINERAL KING?

"Mineral King" is a small subalpine valley, surrounded on three sides by Sequoia National Park. Its 15,000 acres of public land lie within the Sequoia National Forest and are administered by the U.S. Forest Service (Department of Agriculture).

A 26 mile access road turns east from the main highway to Giant Forest, passes across a nine mile section of Sequoia National Park and terminates at an elevation of 7,800 feet near a small cluster of cabins known as Mineral King Village.

Mineral King is a U-shaped glacial basin two miles long and a quarter mile wide, and is rimmed with peaks rising three to four thousand feet above the valley floor to heights of 12,000 feet. Six streams cascade into the valley and join to form the headwaters of the East Fork of the Kaweah River, flowing through flower-filled meadows and groves of aspen and cottonwood trees.

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A WILDERNESS THRESHOLD

"In our swiftly growing civilization, with its new cities and communities and pyramiding industrial uses polluting the air, soil, and water and bringing ugliness to places of beauty, man's problems are very real. The vast concentrations of people in inhuman megalopolises, removed from a natural to an increasingly artificial environment, make the preservation of wild or unblemished areas of inestimable value."

Sigurd Olson, The Hidden Forest

A number of alpine lakes nestled beneath glacial cirques lie within a few hours walking distance from the roadhead at Mineral King Village, from which trails radiate in all directions into the southern region of Sequoia National Park and the Little Kern territory of Sequoia National Forest.

Mineral King presently serves as a recreation area for hikers, fishermen, campers and cross-country skiers, and as a base for exploring the surrounding wilderness.

THE KING BESIEGED

"The only word to describe this hideous project is scandalous. Has Southern California not been raped, polluted and desecrated enough already? Have the Forest Service bureaucrats no sense of shame about taking a wonderful portion of the nation's rapidly diminishing natural heritage entrusted to their care and surrendering it to the exploiters?"

New York Times, 2 Feb 1969

In January 1969 the U.S. Forest Service approved a master plan of Walt Disney Productions to turn Mineral King into a $35 million mass recreation resort designed to attract one million visitors annually. This is roughly one half the visitation of Yosemite which is presently endangered by serious overcrowding and pollution. And Mineral King valley is approximately one sixth the size of Yosemite Valley.

DISNEY ORIGINAL PLANS FOR MINERAL KING:

"Alpine Village" situated at the entrance to the valley:

Five-story hotel complex with 1,030 rooms, designed to accommodate 3,310 guests

Ten restaurants, at least one atop a peak, with the capacity to serve 2,300 guests at one time

Theater, general store, swimming pools, ice rinks (indoor and outdoor), conference center, specialty shops, tennis courts, golf course, maintenance shops, and depot for cog-assisted railway between parking area and village

Automobile Reception Center

Hospital
Housing for 800 employees
Ski shop

8-10 level parking structure for 3,600 cars, possibly adorned with a heliport

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Additional Facilities:

Service roads
Sewage treatment facilities
Construction for avalanche control
Dams and stream diversion for flood and debris control, and channelization of Monarch Creek and the Kaweah River
Reservoir to flood the meadow carpeting the main part of the valley (now apparently deleted from the plans)
22 ski lifts to accommodate 8,500 skiers, initially penetrating five of the major high lake basins surrounding Mineral King and the ridge-top boundary between Mineral King and Sequoia National Park.

Disney sources report that their facilities, "will actually enhance the beauty of the area." The terminal to be constructed on Eagle's Crest "for year round use, including a restaurant and warming facilities, will add a new dimension to the area."

IS THIS NEW DIMENSION DESIRABLE? WILL THE NECESSARY STEEL TOWERS, CABLES AND TERMINALS IMPROVE THE LANDSCAPE?

DEVELOPER REVISES PLANS:

On May 4, 1972 the Disney organization announced plans to cut back on the Mineral King project. However, the "cut-back" appears to be little more than the first phase of Disney's original plan. The initial investment in the revised plan calls for an expenditure of $14 million, providing 10 ski lifts to serve 2,000 skiers. The developer now anticipates visitation of 4,000 people on average days and 8,000 on peak days.

Of special interest is the statement in the Los Angeles Times on May 4, 1972 that the developer would "...later determine with the Forest Service what expansion would be suitable." Since Disney's original plan called for a $35 million facility, and the Forest Service wholeheartedly supported that plan, it is doubtful they will decide that no expansion is necessary after the first phase is in operation.

Of additional concern is Disney's earlier statement that *"all of us promise that our efforts now and in the future will be dedicated to making Mineral King grow to meet the ever increasing public need. I guess you might say it won't ever be finished."*

SEQUOIA NATIONAL GAME REFUGE

When Sequoia National Park was established the Mineral King region was excluded because of now defunct mining activities. Recognizing its natural values and its ecological unity with the Park, Congress designated Mineral King as the Sequoia National Game Refuge in 1926.

The stated purpose of a game refuge is to protect the land from trespass and maintain it as a refuge for wild animals. The migratory cycle of deer and other animals found in Sequoia National Park and surrounding areas includes Mineral King as its higher elevation terminus.

A Disney Productions report states that the *"...grooming and manicuring of most slopes...will require extensive bulldozing and blasting in most lower areas and extensive rock removal at higher elevations"* and that *"extensive cuts and fills and site grading will be required in the parking area and in the village area."*

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A Forest Service wildlife authority stated that *"the extent and nature of the proposed alterations of the basin is unacceptable to us....The damages extend beyond the effects on fish and wildlife and these alone are critical."*

The California Fish and Game Commission reported that *"in an extensive development such as the Disney proposal, considerable wildlife habitat would be lost and wildlife would suffer from human encroachment."* The short summer growing season is especially critical in this rigorous alpine environment. However, 60% of the use of Mineral King is expected during the summer months.

Disney development plans note that *"in establishing the type of facilities required at Mineral King to serve the expected demand for food and lodging, retail and recreation activities, the characteristics of each segment of the market were taken into account."*

WHAT IS THE MARKET VALUE OF MINERAL KING? SHOULD IT REIGN SUPREME? OR ARE THERE OTHER CONSIDERATIONS?

WHAT WILL BE THE EFFECT OF 8,000 PERSONS A DAY ON THE FRAGILE SOILS AND WILDLIFE OF THIS SMALL VALLEY?

IMPACT ON SEQUOIA NATIONAL PARK

Any disturbance of wildlife habitat in Mineral King would have a direct effect on Sequoia National Park. There is already an encroachment of smog and haze from the San Joaquin Valley into the canyon of the Kaweah. Heavy traffic on the highway below the Park would cause significant air pollution. In addition, possible helicopter service to and from Mineral King would cause unacceptable noise pollution.

A 66,000 volt power transmission line through the Park to serve the resort, requiring the clearing of extensive rights of way for fire protection would cause visual pollution.

The source of water for the resort would be the streams which form the East Fork of the Kaweah. This is also the source of water for the Park. During the low flow months will there be enough for both the resort and the Park? There is also the added danger of water pollution from upstream use.

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TRANSPORTATION

Since the present access road could not have accommodated the anticipated traffic to the Disney resort, the State of California decided to construct a new 24 mile all-weather highway to Mineral King at an estimated cost of $25-$50 million. California gas taxes were to pay 90% of this cost with the remainder handled through federal grants.

Due to its destructive effect on Sequoia National Park and its high cost, the highway proved to be one of the most unpopular features of the proposed Mineral King development. On May 4, 1972 the Disney organization and the Forest Service announced their abandonment of two thirds of the highway. Access is now to be by proposed highway to a parking terminus just below the Park boundary, with the remaining 14 miles of park and game refuge traversed by a cog-assisted railway or bus service. It was further suggested by the developer that the proposed railway be financed through the sale of bonds by Tulare County.

In response to the developer's announcement, the State of California on August 4, 1972 deleted the 14 mile section of proposed highway from the state highway system. Remarked State Senator Alfred Alquist of San Jose, "It's a $55 million highway that nobody wants."

DOES THE PUBLIC WISH TO PAY FOR A RAILWAY TO A PRIVATE PROFIT-MAKING RESORT? NO PUBLIC HEARINGS HAVE EVER BEEN HELD.

THE SEQUOIAS

A report for the State Highway Commission has indicated that construction of the new highway would endanger half of the giant sequoias which grow below the road because of erosion.

Conservationists can only hope that a cog-assisted railway would prove less destructive.

SOME ALTERNATIVES

"The perversion of public land to private profit through this ugly project is scandalous."
California Representative Phillip Burton

The Forest Service/Disney proposal for Mineral King would not only destroy it as a refuge for wildlife and for the human spirit, but would also threaten the sanctity of Sequoia National Park and, by setting a precedent, that of all our national parks.

It is the Sierra Club's conviction that planning for Mineral King must aim primarily at protecting the area's natural character and that of the surrounding wilderness. Only that development should be allowed in the valley which is compatible with the national park status that the area deserves. There are several bills before Congress (HR 6882, 6883 and 6884) all authored by Congressman George Miller of California, to make Mineral King part of Sequoia National Park. At last count, there were 62 co-sponsors in congress.

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All of these bills have been referred to:
National Parks and Recreation Subcommittee
Committee on Interior and Insular Affairs
House Office Building
Washington, D.C. 20515
Roy A. Taylor, Chairman

Mineral King is on public land and is badly needed for public use. Existing campgrounds should be moderately expanded and improved, not replaced by a private resort. In addition, rental cabins should be reinstated at Mineral King. Such facilities could also be kept open in the winter for the use of cross-country skiers and snow shoers without causing the ecological damage of downhill ski facilities.

There are other sites closer to the population center of Los Angeles that should be investigated for their potential as downhill ski developments:

Sherman Peak on the Kern Plateau south of Mineral King would accomodate 3,000 skiers. It is over 9,000 feet in elevation with a vertical drop of 1,800 feet.

Slate Mountain, 25 miles east of Porterville, is similar to Sherman Peak in most respects. In addition, there is already a paved road to within 1/2 mile of Slate Mountain.

"Hundreds of resorts and country clubs already exist and more can always be manufactured, but beautiful unspoiled alpine valleys are rare. When the last one has been groomed, manicured, bulldozed and blasted out of existence, no human being can create another."
New York Times, 29 June 1969

THE KING IN COURT

On June 5, 1969 the Sierra Club filed suit in the U.S. District Court in San Francisco against the Secretary of Agriculture, Secretary of the Interior and members of their departments for acting improperly and illegally in permitting development of Sequoia National Game Refuge by Disney Productions. The Club charges that unless prevented, the defendants *"will cause, or permit to be caused, damage to Mineral King which will be irreparable, in part, for many human generations, and irreparable, in part, for all eternity."*

Claims against the Forest Service

1. The proposal violates the 80 acre limit set by Congress for resorts developed under lease on national forest land. Of the 15,000 acres in the refuge, 300 would involve structures or other permanent alterations, while 13,000 acres would be directly affected by lift cables and the development of ski runs and trails. This is justified by the illegal use of "revocable" permits (in reality revocable only under elaborate appellate procedures) to supplement the 80 acre limitation.

2. The Forest Service has no legal jurisdiction over Mineral King; the responsibility for conservation of wildlife in national game refuges was given to the Secretary of the Interior by Congress in 1939.

3. Mass resort recreation of the type planned for Mineral King by Disney Productions violates Mineral King's status as a national game refuge.

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4. The Forest Service failed to complete studies considering the possible impact of development on the ecology of Mineral King before issuing a prospectus or approving Disney's master plan. In addition, since the passage of the National Environmental Policy Act requiring such studies, the Forest Service has failed to submit a report.

5. The avalanche danger at Mineral King has not been adequately considered.

6. Public hearings on the proposed development were denied, even after being specifically requested.

Claims against the National Park Service

1. The proposed access highway or cog-assisted railway across Sequoia National Park is contrary to fundamental Park purposes. It is in violation of the 1890 Act which established the Park. The Secretary of the Interior was made responsible for the *"preservation from injury (of) all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition."*

2. Department of the Interior regulations pertaining to road construction require that a *"professional ecological determination must be made that the resulting effects on Park values - including such aspects as wildlife habitat, drainage, stream flow and climatic effects of paved areas - will be minimal."* (Park Road Standards, 1968). No such study was ever made.

3. The proposed highway clearly violates another regulation stating that Park roads *"should neither be designed - nor designated - to serve as connecting links. Motorists should not be routed through Park roads to reach ultimate destinations."*

4. The 66,000 volt power line to service the Disney resort would be strung across the Park. Specific authorization by Congress is required for power transmission lines to cross National Park land. Congressional authorization was not obtained.

5. Federal regulations require a public hearing on route and design of National Park roads. The Secretary of the Interior illegally revoked these regulations in April 1969. No public hearings were held on the Mineral King access road.

Litigation Proceedings

U.S. District Court: In July 1969 Judge Sweigert granted a preliminary injunction in favor of the Sierra Club. This injunction enjoined the Department of Agriculture from granting a construction permit to Disney Productions. It also prevented the Department of Interior from allowing the State of California to issue contracts for building the new road across Sequoia National Park.

U.S. Court of Appeals: In December 1969 attorneys for the U.S. Department of Justice filed an appeal in the Ninth Circuit Court of Appeals against the temporary injunction. In addition, attorneys for the Far West Ski Association and the Tulare County Board of Supervisors filed briefs with the appeals court in opposition to the Sierra Club's position. The appeal was based on:

1. The Sierra Club's legal standing to sue (Sierra Club had failed to show that any of its individual members would be adversely affected by the development)
2. The jurisdiction of the District Court over the subject matter
3. Sovereign immunity of the defendant government officials

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In September 1970 the Ninth Circuit Court of Appeals ruled that because the Club had no legally protected interest in Mineral King it therefore had no standing to sue, and moreover that its case against the federal agencies lacked merit.

U.S. Supreme Court:

In April, 1972 by a 4-3 margin the Supreme Court decided against the Sierra Club, stating that the Club in its arguments had not established its standing to sue. The majority then proceeded to broadly hint what might constitute such standing and that the Club amend its suit back in the federal district court. Justice Blackman in his dissent added, "The issues on the merits are substantial and deserve resolution."

The Sierra Club has since amended its suit to include one additional organization and eight individuals as co-plaintiffs. Attempts to have the suit dismissed have been unsuccessful. Presently the case is awaiting the issuance of the U.S. Forest Service environmental impact study before proceeding to trial. The prospects are good that when the case does come to trial, the Sierra Club will win a substantial victory on the merits of its case.

LONG LIVE THE KING!

Some of those opposing the Sierra Club's stand have said, "What happens at Mineral King is none of the Sierra Club's business." Mineral King belongs to the people, not to the Forest Service or to a private corporation, both of whom would realize financial benefits from development. Whose business is Mineral King? If it is yours, then do your best to keep it in the public domain.

Organizations and Publications Opposing the Disney Development

Audubon Society
Christian Science Monitor
Desomount Club
Isaak Walton League
Kansas City Missouri Star
National Parks Association
Natural History Magazine
Nature Conservancy
New Scientist
New York Times
St. Louis Post Dispatch
"Save Mineral King"
Sierra Club
Skiers for a Natural Mineral King
Washington Star
Western Federation of Outdoor Clubs
Wichita Kansas Beacon
United Auto Workers Union

Approximately 29,000 concerned individuals have signed petitions expressing disapproval of the proposed development.

.....and there are others

HAVE YOU MADE YOUR OPINION KNOWN?

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WRITE TO SAVE MINERAL KING

The Honorable... (your Congressman) House Office Building Washington, D.C. 20515	Urge your Congressman to support legislation to include Mineral King in Sequoia Park so that it can be developed in a manner consistent with park values.
* The Honorable Roy A. Taylor National Parks and Recreation Subcommittee Committee on Interior and Insular Affairs House Office Building Washington, D.C. 20515	Important Urge Congressman Taylor to report legislation from his sub-committee to include Mineral King in Sequoia National Park. Send him copies of letters to your Congressman.
The Honorable Alan Cranston The Honorable John Tunney Senate Office Building Washington, D.C. 20510	Thank Congressman Krebs & Senator Cranston for ~~Request~~ introduction of legislation to include Mineral King within the boundaries of the Park.
Secretary of Interior Department of the Interior Washington, D.C. 20240	Remind him of the purpose of National Parks and the need to protect them from roads and cog railways for non-park pusposes. Ask him to support efforts to include Mineral King in Sequoia National Park.
Secretary Earl Butz Department of Agriculture Washington, D.C. 20250	Outline the major objections to the proposed development and to the handling of the matter by the Forest Service. Request that Forest Service procedures be revised to include mandatory public hearings on all major development plans.
Mr. Cardon Walker, President Walt Disney Productions 500 South Buena Vista Burbank, California 91521	Object to their plan to over-crowd and over-commercialize a beautiful natural area. Stress that such high-density developments do not belong on public lands with irreplaceable natural values.
Letters to the editor	
Letters to skiing and other sports magazines	

LET YOUR VOICE BE HEARD

PUBLICIZE THE MINERAL KING SITUATION

Obtain the Mineral King film for your club or organization.

Write: Mrs. Richard Koch
1401 - 41st St.
Sacramento, Ca. 95819

or: University of Southern Calif.
Division of Cinema
University Park
Los Angeles, Calif. 90007

Prepared by: Mineral King Task Force
Sierra Club
August 1975

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